

REMARKS

This paper is submitted in response to the non-final Office Action mailed June 13, 2008 and is accompanied by a petition for a three-month extension of time. The appropriate extension fee has been paid by credit card. Claims 1-20 are pending and currently amended. Claim 1 has been amended for internal consistency. Each of claims 1-20 are also amended to conform with preferred U.S. format by eliminating reference characters. No new matter is added.

In the Office Action, (a) claims 1-4 and 6-13 were rejected under 35 U.S.C. §103(a) as obvious over Correggi (U.S. Patent Publication 2003/0168314), alone; and (b) claims 5 and 14-20 were rejected under 35 U.S.C. §103(a) as obvious over Correggi in view of one or more of Corniani (U.S. Patent No. 6,308,817), Harris (U.S. Patent No. 4,651,879), and Doudement (U.S. Patent No. 6,591,967). Applicants respectfully traverse these rejections.

The present application is directed to a device that is arranged and configured to retrieve objects such as bottles from a single row, arrange them in multiple rows, and then in layers to be continuously loaded onto pallets. The continuous loading optimizes the efficiency of the machine by eliminating downtime.

CLAIMS 1-12

Independent claim 1 of the present application recites a device for palletizing objects that includes a transposing device, a pallet loader, a conveyor zone disposed between the transposing device and the pallet loader, and a buffer for intermediate storage of at least one layer of objects. The pallet loader is arranged and configured to receive layers of objects from the buffer and/or from the conveyor to be loaded onto a pallet. A person having ordinary skill in the art understands that a “buffer” is a device that creates a momentary separation of objects. This understanding is in accordance with the dictionary definition of the term “buffer” set forth on page 3 of the Office Action. That is, the Office Action cites www.dictionary.com as defining a “buffer” as any intermediate or intervening shield or device reducing the danger of interaction between two machines, chemicals, electronic components, etc. In the present application, the “buffer” acts as an intermediate or intervening device that reduces the danger of interaction between different layers of objects

that are being prepared to be loaded onto a pallet. As such, the “buffer” holds one or more layers out of the way of the conveyor zone such that both the conveyor zone and the buffer can simultaneously store layers of objects without disrupting their organization.

Neither Correggi nor any of the other cited references, alone or in combination, disclose or suggest a “buffer,” as recited in claim 1.

Correggi discloses a palletizing device including an intermediate station 3, a transfer means 5, and a receiver station 2. The intermediate station 3 includes a carriage loader 10 that receives bottles 9 from a plurality of feed channels 4. Once the carriage loader 10 is loaded, the transfer station 5 withdraws the bottles 9 from the carriage loader 10 and transfers them to the receiver station 2. The receiver station 2 is located separately from the intermediate station 3 and transfer means 5. *See*, Correggi at paragraph [0033]. Correggi describes that “by virtue of the invention, the machine operating cycles are made intrinsically shorter in that while the transfer head 50 performs the operations involved in transferring the articles from the carriage 10 to the receiver station 2, the carriage 10 is free to load [more] articles...” Correggi, paragraph [0069].

The Office Action concedes that Correggi does not disclose a “buffer,” as recited in claim 1, but contends that it would have been obvious to modify the device of Correggi to use the receiver station 2 as a “buffer.” The “suggestion” set forth in the Office Action for modifying Correggi is that Correggi aims to reduce idle times over prior art devices that do not include “means for forming layers while an already formed layer was being conveyed to an intermediate storage station.” Office Action, page 3.

Applicants respectfully disagree.

First, Applicants submit that the receiver station 2 of Coreggi is the final destination for the bottles 9. Any modification of the receiver station 2 to operate as a “buffer” would require substantial reconstruction of the system, the likes of which are not disclosed by the reference or obvious in view of the reference teachings and/or knowledge available to a person having ordinary skill in the art. Second, Applicants submit that Correggi already includes the carriage loader 10 for forming layers while an already formed layer is being transferred to the receiver station 2. Therefore, the Office Action’s “suggestion” to modify

the receiving station 2 to constitute a “buffer” is faulty because Correggi already provides a solution over the prior art, and nothing suggests further alteration of the system.

In addition to the foregoing, the Office Action asserts that using the receiver station 2 as a buffer would prevent “...the pallet robot 5 [from colliding] with [a] transposing device or a conveyor during transfer.” Office Action, page 3. Applicants submit that this asserted suggestion is faulty because nothing suggests that there is a problem with the pallet robot 5 of Correggi colliding with other components of the system. On the contrary, one must presume that the device of Correggi is fully functional.

Accordingly, any modification of the receiver station 2 of Correggi to operate as a “buffer” would change the principal of operation thereof, and can only be based on hindsight reasoning gleaned from Applicant’s own disclosure, which is clearly improper.

Therefore, Applicants respectfully request reconsideration and withdrawal of the outstanding obviousness rejections of claims 1-12.

CLAIMS 13-20

Independent claim 13 recites a device for palletizing objects that includes a transposing device, a pallet loader, a conveyor zone disposed between the transposing device and the pallet loader, and a distributor. The distributor is disposed upstream of the transposing device and continuously forms several outgoing rows of objects from an incoming row of objects.

Neither Correggi nor any of the other cited references, alone or in combination, disclose or suggest a “distributor,” as recited in claim 13.

As discussed above, Correggi discloses a carriage loader 10 that receives objects from a plurality of feed channels 4. Correggi is silent, however, as to where the objects are supplied to the feed channels 4 from. As such, Correggi does not disclose a distributor, as defined by claim 13. Furthermore, there is no suggestion to modify Correggi to include such a distributor. In fact, the Office Action did not even assert that Correggi or any other reference discloses or suggests a “distributor.”

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding obviousness rejections of claims 13-20.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If there are any outstanding issues that the examiner believes may be remedied via telephone conference, kindly contact the undersigned at (312) 474-6300.

Dated: December 15, 2008

Respectfully submitted,

By 

Michael P. Furmanek

Registration No.: 58,495
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicants